



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Andrew A. YOUNG *et al.*

Appln. No.: 08/851,965

Filed: May 6, 1997

For: Method for Treating or Preventing Gastritis Using Amylin or Amylin Agonists

Confirmation No.: 6500

Art Unit: 1639

Examiner: Bennett M. Celsa

Atty. Docket: 18528.412 / 224/042 US

**Petition for Withdrawal from Issue
under 37 C.F.R § 1.313(c)**

Mail Stop 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the above-captioned application (hereinafter the “‘965 application”) be withdrawn from issue under 37 C.F.R. § 1.313(c)(2) for consideration of a request for continued examination (RCE) filed concurrently herewith.

A Sequence Listing in the ‘965 application, submitted on September 2, 1998 contained 35 amino acid sequences. That Sequence Listing did not contain the four amino acid sequences set forth in the specification on pages 14, 15, 16, and 17. On June 7, 2004, Applicants submitted the issue fee for the ‘965 application. As such, Applicants petition for withdrawal from issue under 37 C.F.R. § 1.313(c)(2) for consideration of a request for continued examination filed concurrently herewith to amend the Sequence

04/15/2005 MBLANCO 00000003 502387 08851965

01 FC:1464 130.00 DA

Listing to include the sequences provided on pages 14, 15, 16, and 17 of the specification as originally filed.

Applicants submit concurrently herewith an RCE containing an amended paper copy and computer readable form (CRF) of the Sequence Listing to include SEQ ID NOs: 36, 37, 38, and 39 to be consistent with the specification as originally filed. Support for the amendments can be found throughout the application and claims as originally filed. *See, e.g.*, Specification at pages 14, line 15 through page 18, line 13. As such, the amended Sequence Listing is clearly supported in the originally filed specification and therefore no new matter is introduced by way of this amendment. In addition, the RCE also contains an amendment to the specification to amend the specification to include reference to the SEQ ID NOs.

Conclusion

In view of the arguments above, Applicants respectfully petition the Commissioner to withdraw the above-captioned application from issue under 37 C.F.R. § 1.313(c) to consider the concurrently filed RCE prior to issuance.

Respectfully submitted,

Handwritten signatures of Thomas E. Holsten and David R. Marsh, written in black ink over a horizontal line.

Date: April 14, 2005

Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-2402
(202) 942-5000 telephone
(202) 942-5999 facsimile